

BUZZI

Appl. No. 10/776,165

April 17, 2008

AMENDMENTS TO THE DRAWINGS

Kindly replace the replacement sheet of drawings including Figure 2 filed on November 14, 2007 with the attached two sheets of drawings showing Figure 2a and Figure 2b.

REMARKS/ARGUMENTS

Reconsideration and allowance in view of the foregoing Amendment and Remarks are respectfully requested.

Claim 2 was rejected under 35 USC 112, second paragraph, as being indefinite. Claim 2 has been revised above to change "said" to --an-- to address the antecedent basis issue mentioned by the Examiner. Reconsideration and withdrawal of this rejection are solicited.

Claims 1-4 were rejected under 35 USC 112, first paragraph, as allegedly failing to comply with the enablement requirement. Figure 2 as submitted November 14, 2007 has been replaced with new Figures 2a and 2b which more clearly show the internal structure of the core 5 and the dimensions of the tubular element 12 with respect to hollow member 9. No new matter has been added because no more illustrated than that which was described in the as-filed specification and shown in the original drawings.

In particular, in new Figure 2a, the tubular element 12 has an upper position wherein it is sealed in contact with the hollow member 9 by the annular gasket 13. The core 5 is drawn in partial section view, and the tubular element dimensions have been corrected in order to clearly show the fluid passage between the same tubular element 12 and the hollow member.

New Figure 2b shows the tubular element 12 in the respective lower position wherein the annular gasket 13 is distanced from the hollow member 9. Also in Figure 2b, the core 5 is drawn in partial section view and the tubular element 12 dimensions have been clarified in order to clearly show the fluid passage between the same tubular element 12 and the hollow member 9. Applicant believes that new Figure 2b shows clearly the flow passage through the core 5 from the cavity 4 and the inlet fitting 6.

Moreover, new Figure 2b shows the flow passage from the outlet fitting 8 and the cavity 4.

The corrected drawings do not add new matter, since in the specification and in the claims it is stated that the core 5 is hollow (see paragraph 14 of the specification as published), and that the tubular element 12 is movable in a lowered position in which it allows communication between the area of the hollow member 9 communicating with the outlet 8 and the cavity 4 of the hollow body (see paragraph 16 of the specification as published).

In regard to the Examiner's rejection under 35 USC 112, first paragraph, in particular, applicant respectfully points out that new Figures 2a, 2b clearly show the flow path from the outlet 8 to the cavity 4 and how the cavity 4 communicates with inlet fitting 6.

Indeed, according to Figure 2b, it is to be noted the passage between the outer surface of the tubular element 12 and the inner member 9. Moreover, the bore located in the washer 15 (better shown in Figure 3) permits the communication between such passage and the cavity 4. It is to be noted that this passage has been cited by the Examiner. Applicant believes that the description of the flow communication is clear.

In fact, in the specification it is stated that the tubular element 12 is axially movable within the hollow member 9 and when the tubular element 12 is in the cited lowered position, such tubular element 12 is spaced from the hollow member 9, so that the sealed contact between the tubular element 12 and the hollow member 9 is interrupted. In this configuration, a flow communication between the outlet fitting 8 and the cavity 4 is realized.

At paragraph 14 of the specification as published, it is also stated that the core 5 is hollow. Consequently, it is clear that a flow communication is realized from the cavity 4 and the inlet fitting 6.

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Regarding to the sealed contact between the tubular element 12 and the hollow member 9, please note that in Figure 2a (advanced position of the tubular element 12) it is clear that the annular gasket 13, is pressed against the hollow member 9. As a consequence, the tubular element 12 permits the flow through the passage by separating the gasket 13 from the hollow member. It is submitted that the specification and the drawings thus provide a sufficient description that does not impose any undue burden on a skilled technician operating in the field of micro-pumps to make and/or use the invention.

For all the reasons advanced above, reconsideration and withdrawal of the rejection of claims 1-4 under 35 USC 112, is solicited.

Applicant notes with appreciation the Examiner's indication that claims 1-4 contain allowable subject matter and will be allowable if re-written or amended so as to overcome the rejections under 35 USC 112, first and second paragraphs. For all the reasons advanced above, it is respectfully urged that claims 1-4 comply with the enablement requirement and, further, claim 2 is in full compliance 35 USC 112, second paragraph. It is therefore respectfully requested that the rejections of record be withdrawn and that this application now be allowed.

All objections and rejections having been addressed, it is respectfully submitted that the present Application is in condition for allowance, and a Notice to that effect is solicited.

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Respectfully submitted,

NIXON & VANDERHYE P.C.

By:

A handwritten signature in black ink, appearing to read "Michelle N. Lester", written over a horizontal line.

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